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Chapter No. 44
18/HR26/A941SG
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HOUSE BILL NO. 1597

Originated in House



Clerk

HOUSE BILL NO. 1597

AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION, FOR THE FISCAL YEAR 2019; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Department of Transportation Funds, for the purpose of defraying the administrative expenses of the Mississippi Department of Transportation for the fiscal year beginning July 1, 2018, and ending June 30, 2019
..... \$ 1,103,247,415.00.

SECTION 2. The following offices are supported by the funds appropriated in Section 1: The Office of Administrative Services, the Office of Highways, the Office of Aeronautics and Rails and the Office of Enforcement. Of the funds appropriated under the provisions of Section 1, the following positions are authorized:

AUTHORIZED POSITIONS:

| | | |
|---------------|-----------------|-------|
| Permanent: | Full Time | 3,384 |
| | Part Time | 9 |
| Time-Limited: | Full Time | 0 |
| | Part Time | 0 |

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2020 do not exceed Fiscal Year 2019 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2019 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2019 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2019 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation

requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

SECTION 3. Of the funds appropriated to the Mississippi Department of Transportation under the provisions of Section 1, the following amounts shall be available for expenditure in the program budgets as required by Section 27-103-127, Mississippi Code of 1972:

Administration and Other Expenses \$ 54,196,784.00

| | |
|------------------------------------|-------------------|
| Construction | \$ 712,208,735.00 |
| Maintenance | \$ 210,081,444.00 |
| Debt Service | \$ 76,488,121.00 |
| Law Enforcement | \$ 15,999,379.00 |
| Aeronautics, Rails and other | \$ 34,272,952.00 |

SECTION 4. It is the intention of the Legislature that the Mississippi Department of Transportation shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2018. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2020 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2019 budget request process.

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2020 do not exceed Fiscal Year 2019 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2019 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the

agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2019 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2019 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

SECTION 5. Of the funds appropriated in Section 1, it is the intention of the Legislature that Six Hundred Fifty Thousand Dollars (\$650,000.00) shall be transferred to the Department of Agriculture and Commerce for the Beaver Control or Eradication Program during the Fiscal Year 2019.

SECTION 6. Of the funds appropriated in Section 1 of this act, the Mississippi Department of Transportation shall expend such funds as necessary to conduct project planning. Such project planning shall apply to all preliminary engineering, right-of-way acquisition and construction projects of the department and, at a minimum, shall consist of policies for the oversight and management of project cost which:

(a) Establish a reasonable cost estimate for each project. For purposes of this provision, projects include preliminary engineering, right-of-way acquisition and construction;

(b) Capture and retain the initial project cost estimates for comparison with final actual expenditures;

(c) Require that any changes to a cost estimate for a project will be reviewed and approved by district or central office personnel. Such personnel shall be responsible for signing

any revision, and providing a narrative description of the reasons for approving a revision;

(d) Capture the cost of consultants, engineers, attorneys, contract appraisers and other technical and professional contractors used in preliminary engineering, right-of-way acquisition and construction projects.

SECTION 7. None of the funds appropriated under the provisions of Section 1 of this act may be expended by the Department of Transportation for construction of new highways if such highway segment is less than ten (10) miles in length unless:

(a) The explanation and justification for letting such a contract for a length of less than ten (10) miles is entered upon the official minutes of the Transportation Commission;

(b) The commission, within ten (10) working days after entry of its explanation and justification upon its minutes, gives notice, by United States First Class Mail, and provides a copy of such entry upon its minutes, to the Chairman of the Transportation Committee of the Mississippi House of Representatives and the Chairman of the Mississippi Senate Highways and Transportation Committee.

SECTION 8. Of the funds appropriated to the Mississippi Department of Transportation, Three Hundred Thousand Dollars (\$300,000.00) shall be used for the Statewide Litter Prevention Program.

SECTION 9. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to expend an amount not to exceed Six Million Dollars (\$6,000,000.00) received from third-party damages.

SECTION 10. Of the funds appropriated in Section 1, not less than Eighty Million Dollars (\$80,000,000.00) shall be expended for contracted maintenance overlay and pavement rehabilitation.

SECTION 11. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to expend with funds which were obligated in Fiscal Year 2018 for maintenance overlay projects and maintenance repair projects but not completed by the end of Fiscal Year 2018, in an amount not to exceed Ten Million Dollars (\$10,000,000.00).

SECTION 12. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to transfer between the various programs in an amount not to exceed ten percent (10%) of the amount allocated in Section 3, except that no transfers shall be authorized which increase the "Administrative and Other Expenses" Program or the "Law Enforcement" Program or which decrease the "Maintenance" Program.

SECTION 13. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to expend funds which were obligated in Fiscal Year 2018 but not expended in 2018 in the "Capital Outlay-Equipment" category in an amount not

to exceed Two Million Dollars (\$2,000,000.00) as authorized in HB 2, 2017 First Extraordinary Session, for Fiscal Year 2018.

SECTION 14. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to expend an amount not to exceed Thirty Million Dollars (\$30,000,000.00) received from other public or private entities as reimbursements for payments made on federal projects.

SECTION 15. With the funds appropriated in this act, the Mississippi Department of Transportation shall notify members of the Mississippi Senate and House of Representatives upon the award of projects within their respective districts and at least five (5) days prior to a public ceremony announcing the award of any grant in their district or any public announcement of ceremony regarding the groundbreaking or opening of a facility, roadway or bridge for which the Legislature has made funds available. Any signage regarding any public event or any new facility, roadway or bridge shall include the following language: "Funds were made available for this project by the Mississippi State Legislature." Further, the signage shall state the four-year legislative term in which the project was funded.

SECTION 16. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind

shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 17. The Mississippi Department of Transportation is authorized to dispose of or transfer used cell phones that are obsolete or inoperable to cell phone recycling programs dedicated to providing free phone access to United States military personnel.

SECTION 18. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

| | FY2019 |
|--|---------------|
| <u>Performance Measures</u> | <u>Target</u> |
| Maintenance | |
| Total Acres Mowed (First & Subsequent) (Num) | 290,000 |
| Percentage Increase of Acreage Mowed | 0.48 |
| (Not Mowing Same Acreage Multiple Times) | |
| Reduce Number of Fatalities on Roadways | |
| Baseline: 525 or Less Fatalities | 716 |
| Percent Decrease in State-Maintained Lane | |
| Miles Needing Repair or Rehabilitation (%) | 1.50 |

| | |
|---|---------------|
| Percent of Pavement Needs Met Annually (%) | 0.05 |
| Percent of Interstate Lane-miles with an Acceptable Pavement Condition Rating (%) | 38.00 |
| Percent of 4 Lane Highway Lane-miles with an Acceptable Pavement Condition Rating(%) | 71.00 |
| Percent of 2 Lane Highway Lane-miles with an Acceptable Pavement Condition Rating(%) | 54.00 |
| Cost per Mile to Maintain State Highways (\$) | 23,597.00 |
| Number of Structurally Deficient Bridges | 205 |
| Bridge Replacement Cost Per Sq Ft (\$) | 80.00 |
| Construction | |
| Percentage of Miles of State Maintained Highways that Meet MDOT Thresholds for Congestion (%) | 2.07 |
| Miles of State Maintained Highways Requiring Additional Capacity (Num of Lane Miles) | 223.22 |
| Cost per Mile to Construct State Highways | 10,210,000.00 |
| Administration & Other | |
| Administration as a Percent of Total Budget | 4.93 |
| GO-MDOT - Total Number of Page Views | 1,135,737 |
| Percent Increase in Utilization of MDOTTTRAFFIC.COM Website (%) | 10.00 |
| Bonded Debt Service | |
| Amount of Funds Invested For Adding Capacity | 20,000,000.00 |
| Law Enforcement | |

| | |
|---|-----------|
| Trucks Weighed (Number Of) | 6,200,000 |
| Trucks Over Axle (Number of) | 5,500 |
| Weight & Size Permits Authorized (Permits) | 155,000 |
| Trucks Over Gross (Number Of) | 6,200 |
| Percent of Vehicles Inspected Exceeding Restricted Weight Limits (%) | 0.40 |

Aeronautics & Rails

| | |
|---|--------|
| Airports Inspected (Sites) | 68 |
| Grade Crossings Inspected (Number Of) | 2,710 |
| Percentage of Airports Passing Inspection (%) | 100.00 |

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2020.

SECTION 19. Of the funds provided herein, it is the intention of the Legislature that in administering Local and Public Agency Projects, the Mississippi Department of Transportation shall follow all applicable federal and state laws.

SECTION 20. It is the intention of the Legislature that the Mississippi State Department of Transportation is authorized to pay invoices submitted by CUI Security, Kansas City, Missouri, for services in prior fiscal years in an amount not to exceed One Hundred Ten Dollars (\$110.00).

SECTION 21. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay

invoices submitted by Natchez Transit System, Natchez, Mississippi, for services in prior fiscal years in an amount not to exceed Sixty-two Thousand Thirty-four Dollars and Eighty-nine Cents (\$62,034.89).

SECTION 22. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Entergy, Baton Rouge, Louisiana, for services performed in prior fiscal years in an amount not to exceed Thirty-three Dollars and Seventy Cents (\$33.70).

SECTION 23. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Climb-Up Inc., Tupelo, Mississippi, for services performed in prior fiscal years in an amount not to exceed Seven Thousand Eight Hundred Fifty-five Dollars and Ninety-six Cents (\$7,855.96).

SECTION 24. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Five County Child Development, Prentiss, Mississippi, for services performed in prior fiscal years in an amount not to exceed Twenty-one Thousand Six Hundred Nine Dollars and Ninety-nine Cents (\$21,609.99).

SECTION 25. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Southern Pine, Taylorsville, Mississippi,

for services performed in prior fiscal years not to exceed Fifty-five Dollars and Seventy-two Cents (\$55.72).

SECTION 26. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Xerox, Phoenix, Arizona, for services performed in prior fiscal years not to exceed Ten Thousand Dollars (\$10,000.00).

SECTION 27. It is the intention of the Legislature that the Department of Transportation is authorized to expend an amount not to exceed Two Hundred Million Dollars (\$200,000,000.00) received in connection with HELP projects as authorized in Section 65-1-8(2)(z) and from general obligation bonds issued for highway projects.

SECTION 28. With the funds herein appropriated to develop and implement a special compensation plan based on experience and training pay increments of five percent (5%) for DOT Enforcement Officer V, DOT Enforcement Officer Specialist, DOT Enforcement Officer Supervisor and DOT Enforcement Officer Commander.

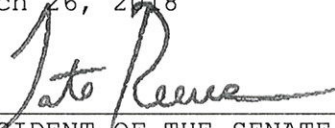
SECTION 29. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 30. This act shall take effect and be in force from and after July 1, 2018.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 26, 2018


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 26, 2018


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

April 11, 2018
10:35am